



PUBLIC NOTICE

Federal Communications Commission
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DA 05-3107
November 29, 2005

COMMENTS INVITED ON APPLICATION OF TIME WARNER CABLE INFORMATION SERVICES (TEXAS), L.P. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 05-330
Comp. Pol. File No. 733

Comments Due: December 13, 2005

Section 214 Application

Applicant: Time Warner Cable Information Services (Texas), L.P.

On November 18, 2005, Time Warner Cable Information Services (Texas), L.P. (TWCIS or Applicant), located at 290 Harbor Drive, Stamford, CT 06902, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue its provision of certain domestic telecommunications services in Kyle, Texas.¹

TWCIS indicates that it currently provides circuit-switched local exchange and toll services to approximately 350 residential customers in the Plum Creek development in Kyle, Texas. TWCIS states, however, that in keeping with its long term plans, it seeks to discontinue its provision of circuit switched services and to instead provide Voice over Internet Protocol (VoIP)-based "Digital Phone" service through its affiliate, Time Warner Cable. TWCIS indicates that on August 25, 2005, it entered into an asset purchase agreement with Verizon for the sale and transfer to Verizon of copper-loop facilities in the Plum Creek development. TWCIS asserts that, upon approval of the proposed transfer of assets, Verizon will use these facilities to provide circuit-switched service to customers that choose to receive it. In addition, TWCIS states that customers will be able to subscribe to its "Digital Phone" service on or before the day it receives authority to discontinue circuit switched services. TWCIS proposes to discontinue its provision of

¹ TWCIS has also filed a request, pursuant to sections 63.03 and 63.04 of the Commission's rules, seeking approval for the sale of certain local exchange assets of TWCIS to GTE Southwest Incorporated d/b/a Verizon Southwest (Verizon). *See Domestic Section 214 Application Filed for Acquisition of Certain Assets of Time Warner Cable Information Services (Texas), L.P., by GTE Southwest Incorporated d/b/a Verizon Southwest, Non-Streamlined Pleading Cycle Established*, WC Docket No. 05-327, DA 05-3110 (rel. Nov. 29, 2005). Any action on this domestic 214 discontinuance application is without prejudice to Commission action on other related, pending applications.

circuit switched services on December 15, 2005, or upon receiving the necessary regulatory approval. TWCIS indicates that it provided all affected customer with written notice of its proposed discontinuance, and the availability of alternate services, by letters dated October 12, 2005 and November 11, 2005. TWCIS asserts that it is non-dominant with respect to the services it proposes to discontinue.

In accordance with section 63.71(c) of the Commission's rules, TWCIS's application will be deemed to be automatically granted on the thirty-first (31st) day after the release date of this public notice, unless the Commission notifies TWCIS that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), absent further Commission action, TWCIS may terminate service to its affected customers on **December 30, 2005**. The Commission will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **December 13, 2005**. Such comments should refer to **WC Docket No. 05-330 and Comp. Pol. File No. 733**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must send an original and four (4) copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C327, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon

the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Carmell Weathers.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), rodney.mcdonald@fcc.gov of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

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